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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Ronald Lynn Blair

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EXAMINER

LUONG, ALAN H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,024	Applicant(s) BLAIR ET AL.	
	Examiner ALAN LUONG	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2,5-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March. 16, 2009, has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-2, 5, 10-13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis); in view of US 2005/0157741 A1 published by Wu et al (Hereinafter Wu); further in view of US 2002/0078441 A1 published by Drake et al. (Hereinafter Drake) .

Regarding to claim 1:Ellis discloses a method for issuing a parental monitoring query command for determining a media object being rendered on a remote device [24 of Fig. 1] (see Ellis, ¶0015, ¶0018, ¶0025, ¶0157, ¶0158), comprising the steps of:

Transmitting a query requesting identification information, (i.e. as commands, requests, or other suitable communications may be transmitted by remote program guide access device [24] for processing by program guide server [25]. If any changes to program guide settings are made (e.g., a change to the parental control settings) including a parental control code, parental control information) (¶0073, ¶0075, Figs. 7, 8, ¶0120-¶0122), from a monitoring device for a media object (i.e. Fig 2a-2c of Ellis illustrate a user TV equipment [22] for displaying TV listing information) through a multicast group (i.e. multiple pieces of user television equipment 22 and multiple associated communications paths 20, are shown in FIGS. 2a-2d) to a remote device (i.e. a remote interactive program guide device [24]) from a host device (i.e. a TV distribution facility [16] or an interactive TV program guide equipment [17]) (¶0077, ¶0078)

However, Ellis explicitly fails to teach “being multicasted through the multicast group, receiving multicast information in response to said query, wherein said multicast information indicates a multicast address and port, resolving said multicast address and port information to identify attributes of said media object, joining the multicast group with said received multicast information to receive said media object and providing, from the monitoring device, a leave command to the host device to remove said remote

device from said multicast group if said media object is objectionable so that receipt of said media object by said remote device is disabled”.

In an analogous art directed toward a similar problem namely improving the results from *“being multicasted through the multicast group and multicast information indicates a multicast address and port which is used to multicast said media object through the multicast group”.*

Fig. 1 of Wu illustrates a computer network [100] includes a host computer [114] wherein connects to Layer 2 [102] for **“being multicasted through the multicast group (i.e. user device are connected to Routers [106, 108, 110, 112] through network [122]), receiving multicast information in response to said query wherein said multicast information indicates a multicast address (i.e. MAC address of Layer 2) and port (i.e. connection of Layer 2 to Routers [106, 108, 110, 112] which is used to multicast said media object through the multicast group to the remote device [120] from the host device [114 or host end 116] (Wu, ¶0036-¶0037, Fig. 3, ¶0043)**

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include multicast information as taught by Wu et al. in a remote access to the parental control features in an interactive TV program guide of Ellis, in order to reduce multicast group traffic to only those routers which need packets of a particular multicast group. (¶0009-¶0010)

Neither Ellis nor Wu discloses *“identify attributes of said media object, joining the multicast group with said received multicast information to receive said media object*

and providing, from the monitoring device, a leave command to the host device to remove said remote device from said multicast group if said media object is objectionable so that receipt of said media object by said remote device is disabled”

In an analogous art directed toward a similar problem namely improving the results from “resolving said multicast address and port information to identify attributes of said media object and joining the multicast group with said received multicast information to receive said media object , provide a leave command to the host device to remove said remote device from said multicast group if said media object is objectionable so that receipt of said media object by said remote device is disabled”. Drake teaches

“resolving said multicast address and port information to identify attributes of said media object *(i.e. determine if indicator are a change in the audience demographics and a change in the total number of viewers to trigger the display of an ad or other content)* (Drake, ¶0040, Fig. 7, ¶0054-¶0056). Additionally, Drake teaches **“joining the multicast group with said received multicast information to receive said media object “***(i.e. by joining a multi-cast to which that monitored STB belongs to allow other viewers to select to join a multi-cast of the current most popular content, and/or for various other business uses);* **Drake, ¶0042, Fig. 10, ¶0061- ¶0062)**

Finally, Drake further teaches **“providing, from the monitoring device, a leave command to the host device to remove said remote device from said multicast group if said media object is objectionable so that receipt of said media object by said remote device is disabled”** *(i. e. viewer uses a User Interface component of Set-top box notifies a Content provider halt content provision to STBs which have*

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inaccurate information including Network address and ID associated with STB and all non-responding or inaccurate STBs have their content halted by, in the illustrated embodiment, notifying the Content Provider to halt content delivery) (Drake, Fig. 9, ¶0059-¶0060).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine multicast service as taught by Drake with multicast information as taught by Wu in a remote access to the parental control features of Ellis; in order to obtain audience data directly and automatically from the software and devices used to provide broadband network service, such as in a real-time manner. This need is preferably addressed without extra monitoring devices or manual operations from subscribers or viewers. **(Drake, ¶0005).**

Regarding to claim 2: Ellis also teaches:” the user remotely access video and audio as **said media object is rendered on said monitoring device** [22]; **see Ellis, ¶0133).**

Regarding to claim 5: In the method of claim 1; Ellis explicitly teaches the user device [22] as the **monitoring device is an Internet Protocol enabled set top box.** (i.e. a non-program-guide application that may be implemented on a set-top box in accordance with the present invention is an Internet browser; for example, browser screen 700 of a remote access browser application. Browser screen 799 may have a bookmark option 705; **Ellis; Fig. 24, ¶0176)**

Regarding to claim 10: In the method of claim 1; Ellis further teaches where said query additionally comprises:

a request for a browser history log file (i.e. as a bookmark contains stored Web addresses, **Ellis; Fig. 24, ¶0176, ¶0224**)

and where said log file comprises the IP addresses of media objects (i.e. using a protocol stack which includes Transmission Control Protocol/Internet Protocol (TCP/IP) layers, AppleTalk Transaction Protocol/Datagram Delivery Protocol (ATP/DDP) layers, or any other suitable network and transport layer protocols or combination of protocols) accessed by said remote device [24]. **Ellis, Fig. 1, ¶0095**)

Regarding to claim 11: In the method of claim 10, Ellis further teaches **the remote device is a personal computer** (i.e. remote program guide access device 24 may be any suitable personal computer (PC), portable computer (e.g., a notebook computer), palmtop computer, handheld personal computer (H/PC), display remote, touch-screen remote, automobile PC, personal digital assistant (PDA), or other suitable computer based device; (**Ellis, Fig. 5, ¶0092**)

Regarding to claim 12: Fig. 1 of Ellis illustrates a remote program guide access device [24] for issuing a parental monitoring query command for determining a media object being rendered on a remote device [22] (**see Ellis, ¶0015, ¶0018, ¶0025**), comprising: Fig. 2 of Drake illustrates a network connection 212 as a **network interface**, a Control Instruction Receiver component 252, a Content Selector component 254, and a Content Transmitter component 256 as **a transport decoder (Drake, ¶0035)** and Drake also discloses a Viewer Authorization Detector component 263 as **a data transport decoder; Drake, ¶0039**). These above components have function supporting the

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limitation of claim 1 which is disclosed by Ellis, Wu and Drake, , wherein the apparatus is implemented using the "method" of Ellis, Wu and Drake; therefore, claim 12 is rejected by combination of Ellis, Wu and Drake, for the same reason as discussed in claim 1 (see discussion in claim 1 above).

Regarding to claim 13: Ellis, Wu and Drake disclose all claim limitation of claim 2; wherein the apparatus is monitoring device 22 of Ellis; see discussion in claim 2 above.

Regarding to claim 19: Ellis, Wu and Drake disclose all limitation of claim 10; wherein the apparatus is implemented using the "method" of Ellis, Wu and Drake; see discussion in claim 10 above.

3. **Claims 6, 7, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al., Wu et al. and Drake et al., in view of US Patent No. 6774926 to Ellis et al. (Hereinafter US'926)

Regarding to claim 6: In the method of claim 1; Ellis, Wu and Drake fail to teach wherein said monitoring device uses a channel list that maps said multicast address and port to a channel.

In an analogous art directed toward a similar problem namely improving the results from a channel list that maps said multicast address and port to a channel. US'926 teaches a personal television channels with digital or analog television channels on a viewer's set-top box **wherein said monitoring device** as viewer equipment 34 **uses a channel list** (i.e. channel maps that link certain personal television channels with digital or analog television channels on a viewer's set-top box or that link certain personal television

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channels with Internet address information as **multicast address and port** that may be used to locate **to a channel** when a viewer desires to view certain personal television channel programming; **US'926; col. 14 lines 4-12**) Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental control features of Ellis, Wu and Drake with a personal TV channel as taught by US'926; in order to Links may be provide links from displayed personal television channels to web sites, chat rooms, e-mail applications, and other such features (**US'926; Abstract**).

Regarding to claim 7: In the method of claim 6; Ellis also teaches wherein **a program guide is used to select media objects** (i.e. a program guide application run on a set-top box of typical user television equipment 22 and the program guide application may display various program guide display screens and the non-program-guide applications may display various non-program-guide display screens from there user access program guide to select media objects"; **Ellis; Fig. 24, ¶0022**) and Drake discloses the Content Servers communicate with the STBs using packet-switched technology (e.g., IP transmissions) through a Central Office, and **the media objects transmitted** by one or more Central Office telephone switches 115 to assist in the distribution of the content to the STBs (i.e. in a multi-channel content providing situation (e.g., television programming), for example, a content control instruction can include changing the channel. Thus, if STBs 122, 124, and 126 were each receiving the same channel of information via a multi-cast), along a circuit-based path as a channel (e.g., DSL lines);

Drake; ¶0023, ¶0024) meets the limitation of “the **media objects transmitted as a multicast media object corresponding to said channel**”.

Regarding to claim 16: Ellis, Wu, Drake and US'926 disclose all limitation of claim 6; wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim **6** above.

Regarding to claim 17: Ellis and Drake disclose all limitation of claim 7; wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim **7** above.

4. **Claims 8, 9 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al., Wu et al. and Drake et al., further in view of “Request For Comments 3266; Updates 2327, Network Working Group, June 2002) published by Olson et al.(hereinafter Olson)

Regarding to claim 8: Drake also teaches **the media object is transmitted as part of an Internet Group Management compatible protocol multicasting service** (*i.e. an interaction event information will be sent using a lower-overhead but unreliable transportation mechanism, such as UDP/IP and/or the Internet Group Membership Protocol (IGMP)*); see Drake, **¶0028**).

However, Neither Ellis, Wu nor Drake teaches program identification information is available for said media object as part of a Session Description compatible protocol.

Olson; in the “Support for IPv6 in Session Description protocol (SDP)” teaches IPv6 addresses when used within a URL; (**Olson; pages 1-3**) meets the limitation of

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“program identification information is available for said media object as part of a Session Description compatible protocol”. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental monitoring setting features of Ellis, Wu and Drake with IPv6 addresses in SDP as taught by Olson; in order to connect and monitor audience rating directly from updates software as IPv6 addresses without extra monitoring devices or manual operations from service providers.

Regarding to claim 9: Drake teaches interaction event information will be sent using a lower-overhead but unreliable transportation mechanism, such as UDP/IP and/or the Internet Group Membership Protocol (IGMP) **wherein said resolving step uses IGMP data**); (see Drake, ¶0028) and Ellis also teaches the Program guide server 25 may be any suitable software, hardware, or combination thereof for providing a client-server based program guide as **a middleware server**; (Ellis, Figs. 2c, 2d, ¶0073- ¶0075, ¶0077¶0098, ¶0073, Fig. 6c, ¶0101).

Regarding to claim 18: Ellis, Wu, Drake and Olson disclose all limitation of claim 8 wherein the apparatus is implemented using the "method" of Ellis, Wu, Drake and Olson; (see discussion in claim 8 above).

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 5-13 and 16-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424